



Office of the Attorney General

State of Texas

September 17, 1998

DAN MORALES
ATTORNEY GENERAL

Ms. Sharon Alexander
Texas Department of Health
1101 West 49th Street
Austin, Texas 78756-3199

OR98-2218

Dear Ms. Alexander:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118108.

The Texas Department of Health (the "department") received an open records request from a recipient of Medicaid benefits for documents reflecting the amount or type of benefits received by the requestor. You inquire whether the requested documents must be withheld from the respective requestors pursuant to section 552.101 of the Government Code.

This office has addressed this issue in prior open records letters, including Open Records Letter Nos. 98-1319 (1998) and 98-0802 (1998). Those prior rulings, which govern your current request, concluded that section 12.003 of the Human Resource Code is intended to protect only the privacy interests of Medicaid clients and that recipients of Medicaid benefits therefore have a special right of access to their respective records pursuant to section 552.023 of the Government Code. Because you have not provided this office with any new arguments for withholding Medicaid information from recipients, we conclude that the department must release the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

KHH/RWP/mjc

Ref.: ID# 118108

Enclosures: Submitted documents

cc: Ana Cecilia Ortiz
561 LaFayette
El Paso, Texas 79915
(w/o enclosures)